



The Salisbury Planning Board held its regular meeting Tuesday, August 28, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Tommy Hairston, Richard Huffman, Craig Neuhardt, Jeff Smith, and Albert Stout

**ABSENT:** Sandy Reitz, Valarie Stewart, Price Wagoner, and Diane Young

**STAFF:** Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris and David Phillips

**MEDIA:** Jason Parks, Access 16

Dr. Mark Beymer, Chairman, called the meeting to order and offered an invocation. The minutes of the August 14, 2007, meeting were approved as submitted. The Planning Board adopted the agenda as published. Dr. Beymer explained the courtesy hearing procedures.

## **OLD BUSINESS**

### **A. Zoning Map Amendments**

**Z-08-07** City of Salisbury  
Camp Road Annexation Area  
Approximately 203 acres encompassing 317 parcels

The original request to establish city zoning of single-family residential with a manufactured home overlay on lands recently annexed by the City of Salisbury was heard at Planning Board August 14, 2007. Several citizens from the recently annexed area spoke at the courtesy hearing. Many of their questions centered on why their property is being rezoned and what the proposed city zoning would permit. Several questions regarded non-conforming status of Class A mobile homes. Would vinyl underpinnings be required to switch to masonry underpinnings due to the rezoning of the property? The Board sent this item to Legislative Committee B for further review and recommendation.

A report from Legislative Committee B was presented by Preston Mitchell.

At the August 17 committee meeting, most members of Legislative Committee B were in attendance as well as Jeff Smith and Chairman Mark Beymer. In addition, staff and Drew Arey were in attendance. Mr. Arey spoke at the courtesy hearing and expressed concern for the conforming v. nonconforming status of the Class A mobile homes in an area that his family had developed.

The conversation centered on the properties located along the east side of Steven Drive, and whether they should be included in the R-15 Mobile Home Overlay district. Mr. Arey clarified that their development, *Little Acres*, originally included these properties, and that is why they developed in a similar fashion to the properties across Steven Drive.

Staff provided that a planning and design best practice is to have uses, densities, and/or building types change mid-block as opposed to across the street face. This supported Mr. Arey's request to bring the R-15 Mobile Home Overlay district across Steven Drive.

A motion was made and seconded by the committee to recommend approval of the original zoning proposal with the revision that the R-15 Mobile Home Overlay come across Steven Drive and include the properties as shown on the map provided in the committee report. That motion passed unanimously.

Mr. Cockerl asked if all parties were satisfied with this recommendation; Preston Mitchell responded that they were. All members VOTED AYE to accept the motion from the committee. (7-0) (Richard Huffman joined the meeting later.)

Tommy Hairston made the following statement: "The Planning Board finds and determines that rezoning petition Z-08-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends approval." Jeff Smith seconded the motion with all members voting AYE. (7-0)

#### IV. NEW BUSINESS

##### A. Zoning Map Amendments

<b>Z-10-07</b>	<b>City of Salisbury</b>
	Tax Map-Parcel(s): Multiple
	Size / Scope: approximately 136 acres, encompassing the B-5 district
	Location: All properties within the B-5 district

Request to amend the Official Zoning Map by expanding the Parking Exempt Area to cover the complete boundary of the B-5 (Central Business) zoning district.

- Explanation of Procedure
- Staff Presentation
- Courtesy Hearing
- Board Discussion
- Statement of Consistency and Motion on Map Amendment

Preston Mitchell made a staff presentation.



Parking surveys indicate that there is adequate parking for existing businesses if ways can be found to make unused private off-street parking available for more parkers. There were over 1,745 vacant off-street spaces during the peak period survey. The peak occupancy occurred at 10 a.m. with 66 percent of the on-street spaces occupied and 46 percent of the off-street spaces occupied.

While it is incredibly important to continue pushing public/private parking coordination and reduction in surface spaces, expanding the parking exempt area to encompass the entire downtown B-5 zoning district will further encourage downtown investment and redevelopment by removing what is typical of, and required for, suburban development.

We must continue to implement the Vision 2020 Comprehensive Plan and Downtown Master Plan by appropriately densifying and intensifying our downtown and striving for that mixed-use environment. The removal of suburban development standards is a prerequisite to this because one size does not fit all. Requiring new development or redevelopment to provide off-street parking based on suburban parking standards is counterintuitive to the Vision 2020 Comprehensive Plan and Downtown Master Plan.

Karen Alexander had questions about the parking requirements for new development. In terms of high-density housing in downtown, would the developer also have to provide stacked parking for those developments? This is what happens in Charlotte and other high-density areas. Does this become a taxpayer burden? Staff responded that there would not be a requirement for stacked parking. The Master Plan works toward public/private coordination. The solution is market driven.

Karen Alexander agreed that parking in downtown does not need to be a suburban standard, but what about an urban standard. There is some expectation when a developer comes into town and wants to do a project—that it is not suddenly the responsibility of the city to provide the stacked parking. She asked to hear from Downtown Salisbury, Inc. (DSI) about that issue during the public hearing. Mrs. Alexander believes downtown Salisbury to have underdeveloped parking. Does the figures provided in the staff report address downtown Salisbury's anticipated growth?

Randy Hemann, 314 Mitchell Avenue, Executive Director of DSI, said the numbers staff mentioned in their report were based on existing usage; however, the master plan has also made provisions for future growth based on the build-out that is shown on the master plan. This was done on a block-by-block basis. There are projections in the plan for future increases in parking demand. Some is stacked parking, but if it can be met with surface lot development without demolition of historic resources that is certainly the preferred option from a cost standpoint. The difference is \$3-4,000 per space as opposed to \$12-15,000 per space.

Mr. Hemann said that, with the City recently receiving more control over demolition, the idea is to preserve historic resources and meet parking needs in shared parking or through some way other than stacked or required parking. The Kress Building is an example of the market determining where users will park.



Dr. Beymer had concerns that the master plan represents a study from 1999, and it is eight years old now. Are we talking history here or is this what we have now. Mr. Hemann said the numbers have changed some. We have lost some employment centers downtown like Telespectrum. Some parking has been added in the last three or four years; around 40 on-street parking spaces that were not there before and off-street parking spaces about 150 spaces have been added.

Jeff Smith asked to get to the public hearing before hearing any more comments from the board.

Dr. Beymer opened the public hearing. No one spoke in opposition.

Randy Hemann said the number one issue DSI is faced with regarding parking is underutilization of existing spaces. DSI has worked diligently to increase usage. The ordinance was changed at the August 7, 2007, City Council meeting to allow overnight parking on the street for residents.

The DSI Board has discussed the request to amend the Official Zoning Map by expanding the Parking Exempt Area to cover the complete boundary of the B-5 (Central Business) zoning district and supports the request. The DSI board requests Planning Board to give serious consideration to support the request as a continuation of their policy to both preserve and better utilize the parking that Salisbury now has.

Dr. Beymer closed the courtesy hearing.

Tommy Hairston asked for clarification on the different types of parking.

- Suburban Parking Standards—
  - Offices one parking space for every 200 square feet of gross floor area
  - Retail is 250 square feet of gross floor area
  - Single-site, stand alone development
  - The vehicle is given a tremendous amount of importance.
- Urban
  - More intense, well-designed and walkable
  - Equally share by both the pedestrian and the vehicle
- Stacked
  - Vertical parking (Downtown Salisbury does not have any stacked parking at this time.)

Dick Huffman said that countywide the market takes care of parking issues. If someone brought in a high-rise or a dense unit, they would have to provide parking for their residents. This will make the downtown consistent by having the entire downtown business area under the same rules. He supports the plan.

Jeff Smith stated that he too supports the plan. Salisbury has to look towards further developing the downtown and this expansion will help to encourage downtown investment and move us farther along. There is a concern about who has the liability for parking when a big project comes in, but he trusts that the market will make that determination. There are some concerns about the vacant parcels around Thomas and Marsh Streets. We are looking very far down the road, but it is important for Planning Board to do just that.

Jeff Smith said that, "I find and determine that rezoning petition Z-10-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan, the Vision 2020 Comprehensive Plan, as well as the Downtown Salisbury, Inc. Downtown Master Plan and hereby recommend Approval." Dick Huffman seconded the motion with all members voting AYE. (8-0)

**B. Special Combined Zoning Map & Text Amendment to affect all properties within the zoning jurisdiction of the City of Salisbury**

**Z-11-07**

**City of Salisbury (Map Amendment)**

Request to amend the Official Zoning Map by repealing the Official Zoning Map of the City of Salisbury and replacing it with the Land Development District Map of the City of Salisbury as part of the proposed Land Development Ordinance.

**T-02-07**

**City of Salisbury (Text Amendment)**

Request to amend the Code of Ordinances of the City of Salisbury by repealing Appendix A, The Subdivision Ordinance of the City of Salisbury, North Carolina, and Appendix B, The Zoning Ordinance of the City of Salisbury, North Carolina, and replacing these appendices with Appendix A, The Land Development Ordinance of the City of Salisbury, North Carolina.

- Acceptance of Council-adopted Resolution of Legislative Intent
- Staff Presentation
- Board Discussion
- Special Committee appointments and tentative scheduling

Staff distributed copies of the proposed land development ordinance to members of the Planning Board. Joe Morris made a staff presentation. Mr. Morris, Planning and Community Development Manager, stated that he was proud and pleased that he was able to present the proposed ordinance. There has been a lot of discussion about the duration of study, the work of the Land Development Ordinance Committee (LDOC), and the process we went through to get to this point. In many respects, this is an historic day. If we can get at least a facsimile of this code adopted, we can begin regulating land



development in our community based on the intentions of the Salisbury Vision 2020 Comprehensive Plan.

This was a committee established by the Salisbury City Council which was chaired by Councilman Bill Burgin and Councilman Mark Lewis. The committee began meeting in February 2004, and worked for over a year (22 meetings). The committee ran into some formatting issues and found there were questions that did not have answers so the staff and Council went into meetings in the absence of the full committee. The LDOC reconvened in August 2006, and met until July 11, 2007. There was a total of 69 LDOC meetings and about 111 staff meetings. Based on some rough estimates, there were somewhere between 7-8,000 hours committed to this process.

The new code is actually a combination of a form-based code (building types and how they are used in different districts) and Euclidian zoning practices (Town of Euclid, Ohio court case). The proposed code is arranged in 18 chapters and is 338 pages long. Seventy-eight pages are dedicated to Chapter 6, an environmental chapter, which is a model ordinance that has been given to us by the State of North Carolina. It is a federally mandated environmental ordinance that deals with the flood plain and NPDES and will go into effect whether this code is adopted or not.

Chapter 1 is the introduction that sets the format of the code. It talks a lot about the Vision 2020 Comprehensive Plan and the reason why Salisbury is rewriting the Land Development Ordinance. Chapter 2 establishes the districts and the uses. Chapter 3 establishes special conditions on uses. Chapter 4 has general development standards. Chapter 5 is building forms and site standards. Chapter 6 is the environmental chapter. Chapter 7 is a brand new concept that we have not implemented in Salisbury related to recreational open space. This is a new standard for residential development that is called out in the Vision 2020 Comprehensive Plan and helps address some of our shortcomings that we currently have in terms of recreational spaces in our community. Chapter 8 is landscaping which is much like the existing requirements—with the exception of street trees in residential development. Chapter 9 is streets and subdivision standards. Chapter 10 is parking. Chapter 11 includes lighting standards for private property. Chapter 12 is signs (basically a reflection of our current code). Chapters 13-17 are the administrative process and lays out the responsibilities of the boards and commissions. Chapter 18 is relatively new—it pulls out the definitions from within the code and puts them into one chapter for easy reference.

The proposed code introduces a concept that is new to the way Salisbury addresses land use regulation. The rural to urban transect is a system for ordering land use as it goes from a rural area to an urban area. There are new names for districts that line up with the densification of land use.

This is also a map conversion process; that is why Mr. Mitchell has described it as a special combined zoning map and text amendment. Hours were spent in subcommittee pouring over aerial photographs and zoning maps, then coming up with this process. The idea was to convert the existing zones to new zones as closely as possible based on

context, land use and minimizing non-conformity. The current M-1 areas were converted to three different kinds of land uses within the Light Industrial, Corridor and Mixed Use, and Highway Business. The "S" districts (essentially contracts) will be retained by Conditional Districts (CD) based on community expectations.

The result is a simplified zoning map. The important thing for Planning Board to focus on is the considerably fewer districts on the proposed map. We are going from roughly 36 districts down to 18. The feathering out of uses will make it possible for people to walk to appropriately designed commercial business.

#### **Proposed Land Development Ordinance Adoption Schedule**

Presentation to City Council	8/21/07
Presentation to Planning Board	8/28/07
Conduct informational meetings and case studies	
Planning Board Courtesy Hearing	10/23/07
Planning Board comments to City Council	11/06/07
Council to conduct a Public Hearing and consider adoption	11/20/07
Effective Date	TBD

#### **The Resolution of Legislative Intent**

The Resolution of Legislative Intent refers the proposed land development ordinance to the Planning Board for review and comment. By State law (because it involves a change to text and a map) it requires the Planning Board to review this proposal. There are four elements to consider while reviewing the plan.

- Enable the Vision 2020 Comprehensive Plan while maintaining certain aspects of the existing code.
- Insure compliance with due process.
- List technical clarifications to insure that code functions properly.
- Provide comment to the City Council in 60 days. (If it cannot be accomplished in 60 days, it would be acceptable to request additional time.)

Dr. Beymer believed the schedule was optimistic. He believes that there will need to be two Courtesy Hearings—one to address the text amendment (first) and one to address the map amendment (second). Dr. Beymer wants Planning Board to have time to respond to anything that may come up during the courtesy hearings.

Jeff Smith asked staff to comment on the mock testing process that staff will undergo at the same time. (Staff is testing the proposed code forward and backward.)





There are concerns from the LDOC about unintended consequences. City Council appointed a committee largely comprised of LDOC members and former Planning Board chairs to also test the code with previously approved plans and development that will be coming before Planning Board in the future.

Planning Board Legislative Committee C was formed for the study of the proposed Land Development Ordinance. (Mark Beymer, Diane Young, Jeff Smith, Richard Huffman, Robert Cockerl, Craig Neuhardt, Albert Stout—Later Valarie Stewart and Sandy Reitz also agreed to serve) The committee will meet Fridays at 7:30 a.m. in the second floor conference room for one and one-half hours beginning 9/7/07 until 11/6/07 or until they have finished the review of the proposed ordinance and are prepared to make a recommendation.

#### OTHER BOARD BUSINESS

There being no further business to come before the Planning Board, the meeting was adjourned at 5:20 p.m.

  
Dr. Mark Beymer, Chair  
Diane Young, Vice Chair  
Secretary, Diana Moghrabi